

## AMENDMENTS TO THE CLAIMS

This Listing of Claims replaces all prior versions, and listings, of claims in this application.

### Listing of Claims:

1. (Currently amended) ~~A~~ A monoclonal antibody or an antigen-binding fragment thereof that specifically binds the capsular polysaccharide of *Streptococcus pneumoniae* serotype 3 (*S. pneumoniae* PPS-3), wherein said antibody or fragment comprises a heavy chain amino acid sequence comprising an amino acid sequence selected from the group consisting of:
  - (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 1;
  - (b) the amino acid sequence of residues 31 to 104, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 1; and
  - (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 1.
2. (Canceled)
3. (Previously presented) The antibody or antigen binding fragment according to claim 1, further comprising a light chain amino acid sequence, said light chain amino acid sequence comprising an amino acid sequence selected from the group consisting of:
  - (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 2;
  - (b) the amino acid sequence of residues 24 to 97, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 2; and

- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 2.

4. (Withdrawn) A nucleic acid molecule comprising a nucleotide sequence encoding an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 1;
- (b) the amino acid sequence of residues 31 to 104, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 1;
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 1;
- (d) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 2;
- (e) the amino acid sequence of residues 24 to 97, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 2; and
- (f) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 2.

5 -7. (Canceled)

8. (Currently amended) ~~An~~ A monoclonal antibody or an antigen-binding fragment thereof that specifically binds the capsular polysaccharide of *Streptococcus pneumoniae* serotype 3 (*S. pneumoniae* PPS-3), wherein said antibody or fragment comprises a heavy chain amino acid sequence comprising an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 3;
- (b) the amino acid sequence of residues 31 to 108, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 3; and
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 3.

9 (Canceled).

10. (Previously presented) The antibody or antigen binding fragment according to claim 8, further comprising a light chain amino acid sequence, said light chain amino acid sequence comprising an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 4;
- (b) the amino acid sequence of residues 24 to 97, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 4; and
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 4.

11. (Withdrawn). A nucleic acid molecule comprising a nucleotide sequence encoding an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 3;
- (b) the amino acid sequence of residues 31 to 108, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 3;
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 3;

- (d) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 4;
- (e) the amino acid sequence of residues 24 to 97, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 4; and
- (f) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 4.

12–14. (Canceled).

15. (Currently amended) ~~An~~ A monoclonal antibody or an antigen-binding fragment thereof that specifically binds the capsular polysaccharide of *Streptococcus pneumoniae* serotype 3 (*S. pneumoniae* PPS-3), wherein said antibody or fragment comprises a heavy chain amino acid sequence comprising an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 5;
- (b) the amino acid sequence of residues 31 to 104, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 5; and
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 5.

16. (Canceled)

17. (Currently amended) The antibody or antigen binding fragment according to claim ~~15~~ 15, further comprising a light chain amino acid sequence, said light chain amino acid sequence comprising an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 6;
- (b) the amino acid sequence of residues 24 to 97, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 6; and
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 6.

18. (Withdrawn). A nucleic acid molecule comprising a nucleotide sequence encoding an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 5;
- (b) the amino acid sequence of residues 31 to 104, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 5;
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 5;
- (d) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 6;
- (e) the amino acid sequence of residues 24 to 97, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 6; and
- (f) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 6.

19-21. (Canceled)

22. (Currently amended) ~~A~~ A monoclonal antibody or an antigen-binding fragment thereof that specifically binds the capsular polysaccharide of *Streptococcus pneumoniae* serotype 3 (*S. pneumoniae* PPS-3), wherein said antibody or fragment comprises a heavy chain amino acid sequence comprising an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 7;
- (b) the amino acid sequence of residues 31 to 105, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 7; and
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 7.

23. (Canceled)

24. (Currently amended) The antibody or antigen binding fragment according to claim ~~1~~22, further comprising a light chain amino acid sequence, said light chain amino acid sequence comprising an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 8;
- (b) the amino acid sequence of residues 24 to 97, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 8; and
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 8.

25. (Withdrawn) A nucleic acid molecule comprising a nucleotide sequence encoding an amino acid sequence selected from the group consisting of:

- (a) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 7;

- (b) the amino acid sequence of residues 31 to 105, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 7;
- (c) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 7;
- (d) the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 8;
- (e) the amino acid sequence of residues 24 to 97, inclusive, of the amino acid sequence encoded by the DNA sequence set forth in SEQ ID NO: 8; and
- (f) the CDR1, CDR2 and CDR3 amino acid sequences encoded by the DNA sequence set forth in SEQ ID NO: 8.

26-31. (Canceled)

32. (Withdrawn) A host cell transformed with a nucleic acid molecule according to any one of claims 4, 11, 18 or 25.

33. (Withdrawn) A method for producing an antibody or an antigen binding fragment thereof that specifically binds *S. pneumoniae* PPS-3, comprising the step of culturing a host cell according to claim 32.

34. (Previously presented) A composition comprising the antibody or antigen-binding fragment thereof according to any one of claims 1, 8, 15 or 22, and a pharmaceutically acceptable carrier.

35. (Previously presented) The composition according to claim 34, further comprising a component selected from the group consisting of:

- (a) a diagnostic agent; and
- (b) a therapeutic agent.

36-37. (Canceled)

38. (Withdrawn) A method for preventing or reducing the severity of conditions or disorders caused by *S. pneumoniae* serotype 3 infection in a subject comprising the step of administering an effective amount of the antibody or antigen-binding fragment thereof according to any one of claims 1, 8, 15 or 22.

39-43. (Canceled)

44. (Withdrawn) The method according to claim 38, wherein the anti-*S. pneumoniae* PPS-3 antibody or antigen-binding fragment thereof is administered in conjunction with the administration of another therapeutic agent.

45. (Withdrawn) A method for detecting *S. pneumoniae* serotype-3 infection comprising contacting a sample from a subject suspected of being infected with an antibody or antigen-binding fragment according to any one of claims 1, 18, 15 or 22 and detecting the binding of said antibody or fragment to *S. pneumoniae* serotype 3.

46-47. (Canceled)